GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3700
ANSWERED ON:09.08.2017
Mutual Legal Assistance Treaty
Dev Km. Sushmita

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) Whether the Minister is aware of the procedural hurdles imposed on investigations of cyber crimes due to need of the Mutual Legal Assistance Treaty (MLAT) in most cases and if so, the details thereof and the steps being taken by the Government in this regard;
(b) the guidelines developed for cyber investigation in India with particular emphasis on the steps taken to facilitate and ease investigation when the concerned intermediaries and websites have headquarters outside India; and
(c) the alternatives being considered to the MLAT to aid investigations and obtain cyber data in concerned cases?

Answer

ANSWER

MINISTER OF STATE FOR LAW & JUSTICE &
ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P. P. CHAUDHARY)

(a) to (c): As per the information received from the National Security Council Secretariat, the law enforcement, intelligence and security agencies in the country face severe problems in obtaining information/data relating to cyber crimes/frauds/terrorism from organizations storing related information on ICT Infrastructure installed outside the country. Such companies deny information to the Government of India and its agencies on the pretext that such data, which is hosted outside the country, is prohibited to be shared under the existing Laws. The Government of India has been taking up the issue relating to exchange of information pertaining to cyber crime/frauds/security with other countries time and again. Presently, certain metadata pertaining to cyber transactions which originates from India and belongs to India is only shared by the foreign internet companies with Government and its agencies.
The Ministry of Home Affairs has set up a Committee to hold discussions with the foreign internet companies operating in India or providing service in India for exchange of metadata and sharing of technologies for law enforcement purposes. In addition, the Government is in continuous dialogue with other countries to reform and streamline the procedures relating to Mutual Legal Assistance Treaty, particularly where cyber cases are involved, for expeditious exchange of information.